

LEONARDO M. RAPADAS
 United States Attorney
 MIKEL W. SCHWAB
 Assistant U.S. Attorney
 JESSICA F. CRUZ
 Assistant U.S. Attorney
 Sirena Plaza, Suite 500
 108 Hernan Cortez Avenue
 Hagatna, GU 96910
 Tel: (671) 472-7332
 Fax: (671) 472-7215/7334

FILED
 DISTRICT COURT OF GUAM

AUG 15 2008

JEANNE G. QUINATA
 Clerk of Court

Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
 FOR THE TERRITORY OF GUAM

CASSANDRA CHAU TRUONG,
 Administratrix of the Estate of ROLAND
 ANTHONY BOUDREAU, deceased,

Plaintiff,

vs.

UNITED STATES OF AMERICA,
 Defendant.

Case No.: 06-00022

**DEFENDANT'S EX PARTE MOTION
 FOR AN ORDER SHORTENING TIME
 FURTHER UNDER RULE 7.1(h)(5);
 DECLARATION OF MIKEL W.
 SCHWAB**

Date:
 Time:
 Judge: Hon. Frances Tydingco-Gatewood

Defendant, UNITED STATES OF AMERICA, by and through the undersigned counsel,
 hereby moves for an order shortening the time even further within which to hear the Motion to
 Stay, pursuant to Local Rule 7.1(h)(5). This motion is supported by the Declaration of Mikel W.
 Schwab attached herewith. Defendant's counsel is available for a hearing on this matter at the
 court's next available hearing date and time.

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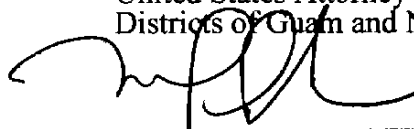
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1 Dated this 15th day of August, 2008.

2 LEONARDO M. RAPADAS
3 United States Attorney
4 Districts of Guam and NMI



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6 Assistant U.S. Attorney
7 Sirena Plaza, Suite 500
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9 Hagatna, Guam 96910
10 Tel: (671) 472-7332
11 Fax: (671) 472-7215

DECLARATION OF MIKEL W. SCHWAB

I, Mikel W. Schwab, declare upon penalty of perjury that I am competent to testify to the matters contained herein, as follows:

1. I am the attorney for Defendant United States of America in this matter.
2. Defendant is requesting for the Court to shorten time within which to hear Defendant's Motion for Stay to stay this federal case pending the decision on the Motion for Summary Judgment in the Guam Superior Court case, Truong v. AIOI Insurance Company, Ltd., Civ. Case No. CV1082-06. Currently the Motion for an Order Shortening Time is not set for hearing.
3. The federal case is scheduled for trial on September 22, 2008.
4. The date of the trial is fast approaching and both parties need a decision on the Motion to Stay in order to adequately prepare for trial.
5. No meaningful discussion of a universal settlement can take place until the resolution of the Motion in the Superior Court.
6. Defendant's counsel is available for a hearing at the Court's next available hearing date and time.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED: this 15th day of August, 2008.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

BY: /s/ Mikel W. Schwab
MIKEL W. SCHWAB
Assistant U.S. Attorney